



**MIDTOWN ALEXANDRIA STATION
CONDOMINIUM ASSOCIATION**

POLICY RESOLUTION 15

Suspension of Rights and Privileges - Delinquent Accounts

WHEREAS, Article III, Section 2 of the Bylaws states that "The Board of Directors shall have all of the powers and duties necessary for the administration of the affairs of the Unit Owners Association and may do all such acts and things as are not prohibited by the Condominium Act, the Declaration or by these By-laws required to be exercised and done by the Unit Owners Association";

WHEREAS, §55-79.80.2(A) of the Virginia Condominium Act provides in part that "The unit owners' association shall have the power, to the extent the condominium instruments or rules duly adopted pursuant thereto expressly so provide, to (i) suspend a unit owner's right to use facilities or services, including utility services, provided directly through the unit owners' association for nonpayment of assessments which are more than sixty days past due, to the extent that access to the unit through the common elements is not precluded and provided that such suspension shall not endanger the health, safety, or property of any unit owner, tenant, or occupant."

WHEREAS, Paragraph 12, titled *Suspension of Privileges* of Policy Resolution 08-01 Delinquent Assessments/Fees Collections, provides that "If a Unit Owner's account becomes more than sixty (60) days past due, the Association may suspend all of the Unit Owner's rights and privileges, including but not limited to, the right to vote and the right to serve on the Board or Committee, the right to use the Common Areas (except for the private streets or access ways), in accordance with Section 55-79-80.2 of the Virginia Condominium Act and any due process protections afforded to the Unit Owners pursuant to the Association's Declaration, Bylaws or Policy Resolutions. The suspension shall remain in effect until the unit owner pays all amounts due.

WHEREAS, §55-79.80.2(B) of the Virginia Condominium Act provides in part that "Before any such suspension or charges may be imposed, the unit owner shall be given an opportunity to be heard and to be represented by counsel before the executive organ or such other tribunal as the condominium instruments or rules duly adopted pursuant thereto specify. Notice of such hearing, including the charges or other sanctions that may be imposed, shall, at least fourteen days in advance thereof, be hand delivered or mailed by registered or certified United States mail, return receipt requested, to such unit owner at the address or addresses required for notices of meeting pursuant to § 55-79.75."

WHEREAS, Paragraph 5, titled *Referral to Counsel and Acceleration of Assessments* of Policy Resolution 08-01 Delinquent Assessments/Fees Collections provides in part that "If an account is more than 45 days past due and the Association's management company has already issued the

written notice to the unit owner(s), the management company shall refer the account to legal counsel for collection efforts."

WHEREAS, the Association's management company has referred accounts which are more than 45 days past due to legal counsel for collection efforts;

WHEREAS, legal counsel has notified unit owners whose accounts were referred to their office by letters mailed US First Class and Certified, Return Receipt Requested, of the collection referral, the total amount claimed due, and probable future actions if the account is not paid, including the intent of the Board of the Directors to suspend membership privileges and rights;

WHEREAS, legal counsel concurrently notified unit owners of their opportunities to bring the account current or dispute the amount owed, and of their rights to request a hearing before the Board of Directors, and failing such request, notification that their membership rights and privileges will be determined by the Board of Directors without their input.

WHEREAS, the Board of Directors has concluded its determination hearing regarding the suspension of rights and privileges, including but not limited to voting and access and use of facilities and amenities, for those units which accounts have been referred to legal counsel for collection and remain unpaid, and in which the respective unit owners neither disputed the amount due nor requested a hearing before the Board of Directors; and

WHEREAS, it is the intent of the Board of Directors to develop suspension guidelines in order to ensure the procedures for suspending rights and privileges of unit owners who are more than sixty (60) days past due is applied uniformly.

NOW THEREFORE BE IT RESOLVED by the Board of Directors that:

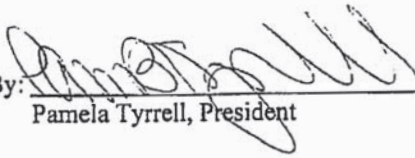
- (1) The Board of Directors hereby suspends voting, facilities and services privileges to unit owners whose accounts are more than sixty days past due as permitted by the Virginia Condominium Act and/or the Declaration, the Association Bylaws or it's Resolutions and Rules and Regulations.
- (2) The suspension of voting and facilities and services privileges is intended to extend to all owners, occupants, tenants or invitees of the unit.
- (3) The suspension of membership rights and facility and services privileges includes, but is not limited to the following:
 - (a) Suspended use of, access to, and the cancellation of any pending reservations for, all facilities and amenities of the community, including such areas as the Cyber Café, Business Center, Party Room, Guest Suite, Pool, Grill Deck, Fitness Center, Guest Parking Areas, and Load Dock deliveries.
 - (b) Suspension of any/all guest passes;
 - (c) Suspension of customary concierge services including package/delivery notification services, convenience key services and the like;

- (d) Suspension of all voting rights;
- (e) Denied Membership and/or Removal from Committees;
- (f) Suspension of Requests for Unit Modifications.
- (4) Management will deactivate facilities and amenity FOBS for the unit with accounts which meet the suspension criteria described in this Resolution.
- (5) Management shall notify building staff as required;
- (6) Management, in consultation with legal counsel, shall provide a report to the Board not less than once monthly, containing a listing of all unit accounts in which the suspension of rights and privileges is contemplated.
- (7) Any suspension of voting, facilities and services privileges shall remain in effect until all sums owed the Association by the respective unit owner has been paid in full.
- (8) Upon notification by counsel that an account has been paid in full, Management is authorized to restore the rights and privileges to the unit immediately, if such have been suspended.
- (9) The Board shall not conduct individual unit owner suspension hearings except as may be specifically requested by an owner in connection with legal collection efforts.

This Resolution was duly adopted by the Board of Directors on the 23rd day of February 2009, and shall be effective the 1st day of March 2009.

**MIDTOWN ALEXANDRIA STATION
CONDOMINIUM ASSOCIATION**

By: _____


Pamela Tyrrell, President